

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

HB 901 – SB 1749

March 27, 2011

SUMMARY OF BILL: Creates the Farm Land Protection Act, which defines “prime farmland” for the purposes of eminent domain takings. Requires that prior to any eminent domain taking of prime farmland, the taking party file a proposal with the county legislative body in which the land is located. Requires the legislative body to hold at least one public hearing within 30 days of receiving the proposal, and provide specifications for advertising the hearing. Requires a two-thirds vote by the legislative body after determining by a preponderance of the evidence that the taking is of overriding importance to state and local interests.

ESTIMATED FISCAL IMPACT:

Increase Local Expenditures - \$9,200*

Assumptions:

- Based on information provided by the Tennessee Department of Transportation (TDOT), an average of three eminent domain land takings occur in each county per year. The result is approximately 285 takings (95 counties x 3 takings) each year.
- According to a 2010 Land Use Report published by the United States Environmental Protection Agency, approximately 16 percent of United States’s land is farm land.
- Local governments will notify citizens of eminent domain public hearings in the jurisdiction’s newspaper of general circulation.
- Based on a limited survey of newspapers of general circulation, the average cost to publish a public notice is \$1.83 per line. Each public notice has an average of 110 lines. The result is a cost of \$201.30 (\$1.83 per line x 110 lines) per public notice. Therefore, a recurring increase in local government expenditures of \$9,179 (285 x 16% x \$201.30).

*Article II, Section 24 of the Tennessee Constitution provides that: *No law of general application shall impose increased expenditure requirements on cities or counties unless the General Assembly shall provide that the state share in the cost.*

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CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink, reading "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/sbh